

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MOHAMMED HILMI K. KHORSHEED	*	
and SAHAR F. ALTEKREETI	*	CIVIL ACTION
a/b/a DEJLA INC., A TEXAS CORPORATION	*	
	*	
v.	*	NO. 2020-
	*	
	*	
THE UNITED STATES OF AMERICA, BY AND	*	SECTION
THROUGH THE DEPARTMENT OF AGRICULTURE,	*	
THE HONORABLE SONNY PERDUE, SECRETARY	*	
	*	

ORIGINAL COMPLAINT FOR JUDICIAL REVIEW
OF FINAL AGENCY DECISION AND FOR RESTORATION OF
SNAP RIGHTS PURSUANT TO 7 U.S.C. § 2023, 7 C.F.R. 279.7,
FOR IMPOSITION OF DAMAGES ARISING OUT OF
RECKLESS ACCUSATIONS OF “TRAFFICKING”
AS MAY BE APPROPRIATE PURSUANT TO
ECONOMOU v. UNITED STATES DEPARTMENT OF AGRICULTURE,
535 F.2nd 688 (1976) and BUTZ v. ECONOMOU, 438 U.S. 2894 (1978)
AND FOR A TRIAL BY JURY ON ALL LEGAL CLAIMS

The Original Complaint of Dejla, Inc. (“Dejla”) and its owners, Mohammed Hilmi K. Khorsheed and Sahar F. Altekreeeri (“Khorsheed”), through undersigned counsel, Henry L. Klein, District of Columbia Bar NUMBER LA 0003, with respect represents:

I. PARTIES PLAINTIFF

1. Dejla is a SNAP-espelled food store operating at 9017 Westheimer Road, Houston, Texas 77478, *never* otherwise described in the Final Agency Decision (“FDA”) authored by an ADMINISTRATIVE REVIEW OFFICER who didn’t sign.

2. Individual Complainants Mohammed Hilmi K. Khorsheed and Sahar F. Altekreeeri (“Khorsheed”) are named in the cover letter to former Dejla Counsel Allan Cease, but never named as having played a part in any alleged “trafficking.

3. Indeed, the FAD does not provide the names or identities of any human being it accuses of the stigmata: “TRAFFICKING”.

4. By any measure, “trafficking” is a calumnious term typically used in connection with illegal narcotic sales or the virulent bartering of women and children for sex and other heinous criminal activity having nothing dealing with appetites.

5. Individual Complainants appear for the purposes of (i) restoring Dejla’s right to participate in SNAP and (ii) obtaining damages as may be appropriate in the matter of *Economy v. United States Department of Agriculture*, 535 F.2d 688 (1976) and *Butz v. Economy*, 438 U.S. 2894 (1978), admittedly a legal *terra nova*.

II. PARTIES DEFENDANT

6. As a matter of law, the only party-defendant in a SNAP review case is the United States of America, by the Department of Agriculture and its Secretary, as Appointed by the President with the “...Advice and Consent of the Senate...”

7. In the case at bar, Complainants can only identify the class of individuals who may have been reckless in the impositionand perpetuation of the venomous practice of trafficking, meaning we will amend to identify*Butz* defendants

8. It may be appropriate for the Court to order a bifurcation of defendants who are required to be named (Sonny Perdue) versus those who elected to perpetuate a system with little or no redeeming value, as in the case at bar.

9. Complainants further suggest this case may present an egregious abuse of regulatory power against the non-Perdue defendants.

10. In order to fulfill due process, this complaint will also be served upon the United States Solicitor General and the Department of Justice.

III. JURISDICTION AND VENUE

11. This Court has Jurisdiction to review the Final Agency Decision *a qua* pursuant to Title 7 United States Code, § 2023(a)(13) and 7 C.F.R. 797.7(a).

12. This Court also has Ancillary and/or Supplementary Jurisdiction pursuant to 28 U.S.C. § 1367 because the claims by the individual Complainants are so related to the SNAP claims so related to the claims as to which this Court has exclusive jurisdiction that they “...form part of the case or controversy under Article III of the United States Constitution.

IV. MINIMAL RELIEF SOUGHT

13. This Court has the right and, under the extant circumstances, the obligation to reverse, VACATE and set aside the FAD at issue as being so vague as to who-what-where-and-how the alleged trafficking took place as to constitute a sanctionable pleading pursuant to Rule 11 and tenets of good faith and fair dealing.

14. Indeed, there is no link between the articulation of the “Controlling Law and Regulations” at page 3 of the FAD and any alleged wrongful act.

15. The FAD's conclusions were *ipse dixits* and *non-sequiturs*; no statistical analyses, mathematical calculations, logistic rules, calculus, data bases, regression analyses or even Ouija Boards that support the Kierkegaardian Leaps of Faith the ROD told FNS to tell ARO to tell the Chief to tell the store owner he's expelled because one customer received a \$10 "cash-back" after being "set up" six times!!!

16. The typical challenge for a beleaguered store owner to negate what he can't even see is *impossible* to understand, much less meet, making the entire process practically *unconstitutional*, which lead to the next *terra nova* inquiry:

V. LUCIA AND BANDIMERE

17. In the very recent months, the question has been raised — to put it as simply as possible — as to what kind of Administrative Law Judge ("ALJ") has the power to *adjudicate* the substantive rights of United States citizens entitled to the protection of the Constitution¹.

18. On that difficult task, the 10th Circuit has analyzed the "Appointments Clause" in *Bandimere v. SEC*, 844 F. 3rd 1169 (10th Cir. 2016) and — according to legal scholars — has reached an opposite conclusion as the D.C. Circuit, which held an *en banc* rehearing and tied at 5 to 5.

19. The bottom line is that "M. Veins", the Administrative Review Officer decide that every body at Deja was lying and she disbelieved every explanation by Deja's counsel, Allan Cease, without what *Lucia* and *Bandimere* call "Appointments Power".

¹ The intellectual rigor required to understand what *Lucia* and *Bandermire* have done to the has caused the IG to give the DOJ his best explanation (to befowarded).

20. That alone makes this and all other similarly constitutional infirm SNAP cases **INVALID** — a word to which we speak next.

VI. INVALID

21. Congress used the word “...invalid...”, and we all know Congress meant what it said.

22. The problem is that the USDA tells helpless store owners what impossible hoops they have to conquer in order to sell bread and eggs to the people who had food stamps and now have SNAP-cards.

23. At page two of every FAD I have ever seen, including the Dejla FAD, the Administrative Review Officer explains what the store-owner has to do under the most slippery of terms:

STANDARD OF REVIEW;

“In an appeal from an adverse action, the Appellant bears the burden of proving by a preponderance of the evidence, that the administrative action should be reversed.

(“What does that mean? thinks the store owner”)

That means the Appellant has the burden of providing credible, relevant evidence that a reasonable mind, considering the record as a whole, would accept as sufficient to support a conclusion that the argument asserted is more likely to be true to not true”

Congress used the word “valid” or “invalid”. Once the issue of not allowing AROs without Appointments Clause power to decide the fates of (I submit) innocent people, the APA process is invalid, **PERIOD.**

24. No one should have to untangle what USDA calls the owner's "STANDARD OF REVIEW".

CONCLUSION

The SNAP program gives its ARO's *Carte Blanche* rights (not authority) to hurt store owners. The process invites corruption. No hearings are held by the "...hearing officer..." The hearing officers talks to no one and if so, there is no transcript of what-who-said-what-to-whom. The store owner sometimes speaks broken English and the temptation for ethnic profiling is available anytime anyone gets SNAP-RAGE. No one wins unless something happens we don't know about. The fight's not fair and the choice of the word "trafficking" is defamatory and damaging.

Judgment should be rendered in favor of Dejla and its owners and its customers just on the unconstitutional issues we raise. Catching a butterfly with the "...standard of review net..." is an illusion. We live in a country overwhelmed with societal problems. This one is easy to fix:

ERASE THE PROCESS FROM THE BOOKS

There are better ways to catch bigger crooks.

Respectfully submitted,

/s/ Henry L. Klein
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